

\*\*E-Filed 3/5/09\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

FREDERICK N. BURGNER,

Plaintiff,

v.

UNION PACIFIC CORPORATION,

Defendant.

Case Number C 07-5160 JF (HRL)

ORDER CONTINUING MOTION  
FOR SUMMARY JUDGMENT AND  
CROSS-MOTION FOR SUMMARY  
JUDGMENT

[re: document nos. 42, 44 ]

Plaintiff did not file his cross-motion for summary judgment at least thirty-five days prior to the hearing date as required by this Court's Civil Local Rule 7-2(a), and did not contact chambers before noticing his motion as required by this Court's standing order. Accordingly, the motion is procedurally defective. However, for reasons of judicial economy, the Court prefers to hear the cross-motions on the same date. Accordingly, the Court HEREBY ORDERS as follows:

- (1) Both motions are CONTINUED to April 10, 2009 at 9:00 a.m. Any opposition to the cross-motion shall be filed and served on or before March 20, 2009. Any reply shall be filed and served on or before March 27, 2009;

- 1 (2) The pretrial conference set for March 27, 2009 is CONTINUED to April 17, 2009  
2 at 11:00 a.m.; and  
3 (3) Trial remains set for May 11, 2009 at 1:30 p.m.  
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8 DATED: 3/5/09

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11 JEREMY FOGEL  
12 United States District Judge  
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